

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Services-Treasuries and Accounts, Department- Smt.B.Rajeswari W/o Late B. Chandrasekhara Raju, Junior Accountant, Sub-Treasury, Rajampet, Kadapa District-Implementation of order of APAT dt.30.6.1997 in OA.No.7324/97-Family Pension and other pensionary benefits after withholding Rs.30,961-40 Ps.( which was found as misappropriated amount) pending finalization of AS.No.646/98 before Hon'ble AP High Court-Sanction-Orders-Issued.

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FINANCE (ADMN-III) DEPARTMENT

G.O.Rt.No. 355

Dated:02-02-2009

Read the following

- 1.Proceedings.No.K1/4929/1983, dt.22.07.85 of the DTA, AP, Hyderabad
- 2.Orders of A.P.A.T., Hyderabad in O.A.No.7324 of 1997 dt.19.1.2001.
- 3.Orders of A.P., High Court dt.16.9.2005 passed in W.P.No.14509/2005
- 4.Lr.No.KII(5)/4929/1983, dt.5.8.2008 of the DTA, AP, Hyderabad.

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ORDER:

In the reference 1<sup>st</sup> read above, Sri B.Chandra Sekhar Raju, while working as Junior Accountant, Sub Treasury, Rajampet had drawn fraudulent bills for a total amount of Rs.30,961-540 ps. by forging the signatures of the STO, Rajampet and misappropriated the said amount. In order to conceal his misdeed he had manipulated the records. This fraud was detected on 5-2-1983 at the D.T.O., Kadapa and he was kept under suspension w.e.f. 7-2-1983. The Criminal and Departmental actions were initiated against him. In the departmental proceedings he was dismissed from service. The department filed C.C.No.161 of 1985 in Munsif Magistrate, Rajampet, Kadapa District, and he was convicted in the criminal proceedings, by the said court by its judgment dt.7.11.1999. Subsequently, the individual filed Criminal Revision Case.No.842 of 1995 in AP High Court, Hyderabad in the said C.R. case, in which he was acquitted by the AP High Court by its judgment dt.10.7.1996 on the ground that the prosecution failed to prove the charges. The following are the observations of AP High Court:

**In the result, the Criminal revision Case is allowed and the petitioner is acquitted of the offence punishable under Section 477-A, IPC. The fine of Rs.3,000/-, if paid by the petitioner should be refunded to him.**

2. In the reference 2<sup>nd</sup> read above, consequent to his acquittal, he submitted a representation to the Govt. requesting for his reinstatement into service. Govt. rejected his request vide Memo.dt.30-6-1997. Against the said rejection of his request, he filed O.A.No.7324/97 and the Hon'ble APAT in its order dt.19-1-2001 allowed the OA and

directed for his reinstatement with all consequential benefits. The operative portion of the judgment is as follows:

“Hence, I set aside the impugned order as illegal and arbitrary and also direct the Respondents to reinstate the applicant forthwith into service. Further, I hold that the applicant is entitled to all the consequential benefits as per rules. The OA is, thus allowed.”

3. Subsequently the Deputy Director, District Treasury, Kadapa filed OA.No.19/2008 on the file of Subordinate Judge, Rajampeta for recovery of Rs.30,961-40 ps. along with interest at 6% p.a. which was the misappropriated amount by late Sri B.Chandra Sekhar Raju. The said Civil Suit was dismissed by the Subordinate Judge, Rajampeta on 8.4.1996.

4. Against the said orders, the Deputy Director, District Treasury, Kadapa preferred Appeal by way of A.S.No.646/1998 before Hon’ble High Court of A.P. which is still pending.

5. In the reference 3<sup>rd</sup> read above, Government directed the DTA to file an Appeal in High Court against the judgment of Hon’ble APAT and the DTA filed the W.P. No. 14509 of 2005. In the meanwhile the delinquent expired on 29-6-2001. An L.R. petition was also filed by DTA, Hyderabad for bringing the legal representatives of the respondent liable for recovering the misappropriated amount, and the Hon’ble High Court in its judgment dated.16-9-2005 dismissed the writ petition and confirmed the Tribunal orders. The operative portion of the judgment of High Court is as follows:

“A perusal of the order clearly goes to show that in all the criminal proceedings, the applicant was acquitted and the civil suit filed against the applicant for recovery of embezzled amount has also ended in favour of the applicant. No material is placed before us that any appeal has been preferred against the civil suit. Therefore, there is no other go except to hold that the decree and judgment passed in the civil suit filed by the respondents, have become final. In this regard, the tribunal is justified in holding that in the civil suit, the respondents have failed to establish the charges which are almost identical to that of the charges in the criminal proceedings as well as the departmental proceedings.

In the back ground of the matter, we have no hesitation to hold that there is no irregularity or illegality in the order impugned and hence, we see no merits in this Writ petition and the same is liable to be dismissed.”

6. In the reference 4<sup>th</sup> read above, the Director of Treasuries and Accounts, A.P., Hyderabad while informing the latest stage of the A.S.No.646/98 requested to issue necessary orders in the matter.

7. After careful examination of the matter, Government hereby order to implement the orders of Hon'ble APAT dtd.19.1.2001, passed in OA.No.7324 of 1997 basing on the acquittal of (Late) B. Chandrasekhara Raju, Junior Accountant in Criminal Revision Case No.842 of 1995 in AP High Court in its judgment dt.10-07-1996 and also confirmed by AP High Court in W.P.No.14509 of 2005 by its order dtd.16.9.2005, subject to outcome of the AS.No.646 of 1998 filed by the Deputy Director, District Treasury, Kadapa, pending before AP High Court for recovery of Rs.30,961-40 ps. Smt.B.Rajeswari W/o Late B. Chandrasekhara Raju shall be considered for sanction of the family pension and other pensionary benefits in respect of (Late) B. Chandrasekhara Raju, Junior Accountant, Sub-Treasury, Rajampet, Kadapa District after withholding Rs.30,961-40 Ps.( which was found as misappropriated amount) pending finalization of AS.No.646/98 before Hon'ble AP High Court.

8. The Director of Treasuries and Accounts, Hyderabad shall take necessary action accordingly and serve this order on the individual and send the duplicate copy with his acknowledgement to the Government, at the earliest.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SAMEER SHARMA  
SECRETARY TO GOVERNMENT (FP)

To  
The Director of Treasuries and Accounts, A.P., Hyderabad

//FORWARDED:: BY ORDER//

SECTION OFFICER